

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

ELADIO NAVEDO, : Case No. 05-21709T
Debtor(s) :
:
:

ORDER

AND NOW, this 4th day of January, 2006, it is ORDERED that the Motions filed by Keystone Nazareth Bank and Trust, (“Keystone”), for Exception to Discharge, which we shall treat as a Motion for an Extension of Time under Fed. R. Bankr. P. 4007(c), and for Extension of Time to File a Complaint under 11 U.S.C. §523(a) are GRANTED as the Court finds that Keystone’s filing of the “Motion for Exception to Discharge,” which Motion was filed before the deadline for the filing of a section 523(a) complaint expired and which Motion specifically alleged that the debt in issue should be excepted from discharge under 11 U.S.C. §523(a)(6), put Debtor on sufficient, timely notice that Keystone objected to the discharge of the debt in issue and the basis on which the objection was being made. In re Sherf, 135 B.R. 810, 814 (Bankr. S.D. Tex. 1991); see also Kontrick v. Ryan, 540 U.S. 443, 447, 448, n. 3 (2004)(time limits for filing complaints under Fed. R. Bankr. P. 4004(a) and 4007(c) are not jurisdictional); In re Lambert, 76 B.R. 131, 132 (E.D. Wis. 1985).

IT IS FURTHER ORDERED that Keystone shall file, **within twenty (20) days of the date of this Order**, an adversary complaint objecting to the discharge of the debt in issue under 11 U.S.C. §523(a)(6).

Reading, PA

THOMAS M. TWARDOWSKI
United States Bankruptcy Judge